

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

MARcia SMITH.

Plaintiff,

V.

ALBERTSONS LLC, a Foreign Limited
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20,
inclusive, jointly and severally,

Defendants.

Case No. 2:17-cv-03034-APG-PAL

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE REMANDED TO
STATE COURT**

ALBERTSONS LLC, a Foreign Limited
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20,
inclusive, jointly and severally,

Defendant Albertsons removed this case to federal court. The removing party has the burden of proving that removal is proper, and that this court may properly assert jurisdiction over the parties and dispute. In its Notice of Removal, Albertsons alleges that it is a Delaware limited liability company. ECF No. 1 at 2. However, “an LLC is a citizen of every state of which its owners/members are citizens.” *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). See also *Mills 2011 LLC v. Synovus Bank*, 921 F. Supp. 2d 219, 220-21 (S.D.N.Y. 2013) (“In the case of a limited liability company, citizenship [for purposes of diversity jurisdiction] is determined by the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company.”).

Albertsons has not provided the identity and citizenship of its members. Therefore, I cannot determine whether the requirements of diversity jurisdiction are met.

Courts “strictly construe the removal statute against removal jurisdiction.” *Gaus v. Miles*, 980 F.2d 564, 566 (9th Cir. 1992) (per curiam). “Federal jurisdiction must be rejected if there is any doubt as to the right of removal in the first instance.” *Id.* “The ‘strong presumption’ against removal jurisdiction means that the defendant always has the burden of establishing that removal is proper.” *Id.*

1 Accordingly, on or before December 31, 2017, Albertsons must file sufficient proof and
2 explanation of the citizenship of every one of its members so I may evaluate whether the court has
3 jurisdiction over this case. Failure to do so will result in remand of the case.

4 Dated: December 12, 2017.



5
6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28